

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

APR 29 2008

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

P. DALE DESKINS,

Plaintiff,

vs.

ASSOCIATED CREDIT SERVICES, INC., et  
al.

Defendants.

Case No. CV-08-049LRS

**MOTION FOR DEFAULT AS TO  
DEFENDANTS JOHN M. SOLBERG, ET  
UX., ERIC M. SOLBERG, ET UX., AND  
ASSOCIATED CREDIT SERVICES, INC.,  
A WASHINGTON CORPORATION**

COMES NOW plaintiff P. Dale Deskins, hereinafter at all times plaintiff, who respectfully moves this Court for an entry of an Order for Default and Default Judgment, pursuant to CR 55 (a). This Motion is based on the records and files herein, and the Affidavit of Plaintiff filed herein.

This Motion is brought as a result of the Defendants (Jon M. Solberg and Jane Doe Solberg, husband and wife and their marital community; Associated Credit Services by and through its Registered Agent Eric Solberg, and Eric M. Solberg and Jane Doe Solberg, husband and wife and their marital community), having been served with a Summons and Complaint more than twenty (20) days ago, during which time none of the referenced Defendants who have

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1 been served have Appeared or Answered.

2 As of the date of this Motion, none of Defendants named who have been served have  
3 responded to any of the allegations set forth in plaintiff's Complaint. This Motion for Default  
4 and Default Judgment is premised upon the Declaration of P. Dale Deskins, in addition to the  
5 Summons, Complaint, and Return of Service documents filed by the U.S. Marshals Service with  
6 this Court as to the named Defendants. Venue for this action lies in United States District Court,  
7 Eastern District of Washington as this situs of those events that resulted in the injuries sustained  
8 by plaintiff.

9 Defendants are not members of the military service and therefore not subject to the  
10 Soldier and Sailors Relief Act of 1941.

11 The amount in controversy is a sum certain contained in Plaintiff's Prayer for Relief at  
12 \$1,000 for each violation as enumerated below; reasonable damages for emotional distress and  
13 mental anguish which plaintiff maintains is \$37,000, plus treble damages under the Washington  
14 State Consumer Protection Act. Plaintiff also requests costs for photocopying the numerous  
15 copies required in this action, costs allowed pursuant to statutory causes of action giving rise to  
16 this dispute.

17 Specifically, the following amounts are due and owing to Plaintiff by Defendants,  
18 tracking Plaintiff's Complaint filed herein;

- |    |   |                   |
|----|---|-------------------|
| 19 | 1. Three (3) Phone calls to Plaintiff at Plaintiff's Workplace,<br>20 <u>after Defendants' Receipt</u> of a Cease and Desist Directive<br>21 from Plaintiff. (@ \$1,000 for each violation) | <b>\$3,000.00</b> |
|    | (15 USC Sec. 1692c(a)(1) and other WA state laws)   |                   |
|    | (15 USC Sec. 1692c(a)(3) and other WA state laws)   |                   |
|    | (15 USC Sec. 1692c(b) and other state laws)   |                   |
|    | (15 USC Sec. 1692d(5), 15 USC 1691, et. seq. and other state laws)  |                   |
| 22 | 2. Erroneous Filing of Lawsuit Against Plaintiff in Spokane<br>23 County, Which was Improper Jurisdiction (@ \$1,000 for<br>24 each violation)  | <b>\$1,000.00</b> |
|    | (15 USC Sec. 1692i(a)(2)(A&B and other state laws)  |                   |

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(15 USC Sec. 1692e(2)(A) and other state laws)

3. Contacting Plaintiff Personally by Walking Into Plaintiff's Workplace on Two Occasions, After Defendant's Receipt of a Cease and Desist Directive from Plaintiff. (@ \$1,000 for each violation) **\$2,000.00**

(15 USC Sec. 1692c(a)(1) and other WA state laws)  
 (15 USC Sec. 1692c(a)(3) and other WA state laws)  
 (15 USC Sec. 1692c(b) and other state laws)  
 (15 USC Sec. 1692d(5), 15 USC 1691, et. seq. and other state laws)

4. Leaving 3 Phone Messages With Plaintiff's Employer, a 3rd Party, After Defendant's Receipt of a Cease and Desist Directive from Plaintiff. (@ \$1,000 for each violation) **\$3,000.00**

(15 USC Sec. 1692c(b))  
 (15 USC Sec. 1692c(a)(1) and other WA state laws)  
 (15 USC Sec. 1692c(a)(3) and other WA state laws)  
 (15 USC Sec. 1692c(b) and other state laws)  
 (15 USC Sec. 1692d(5), 15 USC 1691, et. seq. and other state laws)

5. Causing Humiliation, Embarrassment, Harassment and Oppression of Plaintiff's at her Workplace to Coerce Payment of an Alleged Debt by Leaving Repeated Phone Messages and Making Repeated Phone Calls to Plaintiff at Plaintiff's Workplace after Defendants Received More than One Cease and Desist Directive from Plaintiff (5 contacts) (@ \$1,000 for each violation) **\$5,000.00**

(15 USC Sec. 1692d, 15 USC Sec. 1691, et seq. and other state laws)

6. False Reporting of Plaintiff's Alleged Debt to Credit Bureaus as "Unpaid", Rather than as "Disputed", at least 1 time that is known, therefore making false statement about Character, or Legal Status of Alleged Debt, Thereby Invading Plaintiff's Privacy and Defamation to Plaintiff's Credit Standing and/or Creditworthiness, Injuring Plaintiff (@\$1,000 for each violation) **\$1,000.00**

(15 USC Sec. 1681, et sq. and 1692e, and other state laws)

7. Violation of Plaintiff's Right to Privacy by Having

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No Meaningful Involvement in Case by Attorney for  
Plaintiff at Least One Time (@\$1,000 for each violation)  
(15 USC Sec. 1692(e))(9) and (10) and other state laws) **\$1,000.00**

8. Failing to State in Every Personally-drafted Communication  
and Telephone Call to Plaintiff That it was made by a  
Debt Collector, and Failure to Include Pertinent Debt Collector  
Language ("mini-Miranda warning"). (@\$1,000 for each violation)  
Violation of 15 U.S.C. Section 1692(e)(11) **\$2,000.00**

9. Plaintiff's Suffering of Mental Anguish and Emotional  
Distress as a Proximate Cause of Defendants' Repeated  
Abuse and Oppressive Illegal Contacts with Her at her Place  
of Work, etc., Resulting in Loss of Reputation, Loss of Sleep, Loss  
of Appetite, Anxiety, Compromised Workplace Performance,  
Depression, Loss of Time and Income, Withdrawal from Social  
Interactions, and other emotional and mental distress. Plaintiff,  
a single woman with a single source of income, reasonably  
believed after each of these illegal acts that she was placed in a  
false light with plaintiff's law firm employer by Continual  
Interference with plaintiff's businessrelationship with her  
lawyer where she is a paralegal/bookkeeper. Defendant's  
Repeated Contacts Jeopardized Plaintiff's Employment and  
Angered Plaintiff's Employer. (Reasonable Amount of Damages)  
**\$37,000.00,  
or as Court  
Deems Fair  
& Equitable**

10. Treble Damages Under RCW 19.86.090, et seq.,  
for Violation of RCW 19.16.250 for Commission of  
Act or Practice Prohibited by RCW 19.16.250 **\$ 54,000.00**

**AMOUNT OF DAMAGES TREBLED \$162,000.00**

11. Entry of Permanent Injunction Prohibiting Defendants, and  
Each of Them, and/or Defendant's Agents or Assigns,  
from hereafter legally seeking to Collect  
on Its Alleged Claim from Ever being Allowed to Recover  
Any Interest, Service Charge, Attorneys' Fees, Collection  
Costs, Delinquency Charge, or any other Fees or Charges  
Pursuant to RCW 19.16.250 **00.00**

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1 Allowed court costs for all photocopies: \$ 10.00

2 **TOTAL AMOUNT OF DAMAGES, OR**  
3 **AS COURT DEEMS JUST & EQUITABLE: \$ 162,010.00**


4  
5 Plaintiff prays for the Relief and Damages specified in her Complaint filed in this action  
6 for the violations enumerated above, plus post-judgment interest, as allowed under the laws of  
7 the State of Washington.

8 Respectfully Submitted this 29th day of April, 2008.

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11 P. Dale Deskins, Plaintiff Pro Se

12  
13 **CERTIFICATION OF SERVICE**

14 As the named Defendants have neither appeared nor answered, Plaintiff is not required  
15 to serve the Defendants or give notice to them of Plaintiff's Motion for Default under CR 55 of  
16 the Federal Rules for Civil Procedure.

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18 P. Dale Deskins, Plaintiff Pro Se

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